

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington



MOTION NO. 14-318

REFERRING A PROPOSED ORDINANCE RELATING TO GROWTH MANAGEMENT,  
REVISING REGULATIONS FOR MARIJUANA BUSINESSES, AMENDING SCC  
30.22.110 AND 30.22.130, AND ADDING A NEW SECTION TO CHAPTER 30.28 SCC  
TO THE SNOHOMISH COUNTY PLANNING COMMISSION AND  
TO THE DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES

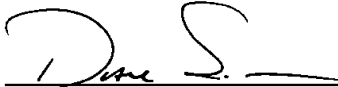
WHEREAS, the Council wishes to consider adoption of the proposed attached ordinance, which is intended to restrict the siting of new marijuana businesses where they may be incompatible with surrounding uses or have undesired impacts on existing uses and neighborhoods;

NOW, THEREFORE ON MOTION, the Council hereby refers the proposed ordinance attached as "Exhibit A" to the Department of Planning and Development Services (PDS) for action as follows:

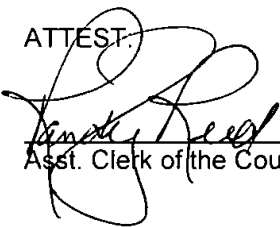
1. Pursuant to chapters 2.08 and 30.73 SCC, the Council refers the proposed ordinance to the Director of PDS acting in his capacity as Secretary to the Snohomish County Planning Commission for legislative review, refinement and processing.
2. The Council refers the proposed ordinance to PDS for environmental review under chapter 43.21C RCW, the State Environmental Policy Act (SEPA), if applicable.
3. Pursuant to chapter 2.01 SCC, the Council refers the proposed ordinance to PDS for the provision of notice to the Washington State Department of Commerce in accordance with RCW 36.70A.106.

DATED this 17<sup>th</sup> day of September, 2014.

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

  
\_\_\_\_\_  
Council Chair

ATTEST:

  
\_\_\_\_\_  
Asst. Clerk of the Council

SNOHOMISH COUNTY COUNCIL  
Snohomish County, Washington

ORDINANCE NO. 14-\_\_\_\_

RELATING TO GROWTH MANAGEMENT, REVISING REGULATIONS FOR  
MARIJUANA BUSINESSES, AMENDING SCC 30.22.110 AND 30.22.130, AND  
ADDING A NEW SECTION TO CHAPTER 30.28 SCC

WHEREAS, chapter 69.51A RCW provides that qualifying patients or their designated care providers may create and participate in collective gardens to produce, process, transport, and deliver cannabis for medical use; and

WHEREAS, chapter 69.50 RCW regulates production, processing, and retail sales of marijuana; and

WHEREAS, this ordinance does not address the legality of the conduct associated with marijuana and should not be construed as approval of such uses or waiver of any applicable county, state, or federal laws; and

WHEREAS, the Growth Management Act, Chapter 36.70A RCW (GMA), requires Snohomish County ("County") to regulate land use and development within the County's jurisdiction; and

WHEREAS, the County Council finds a legitimate governmental interest exists in regulating the location of marijuana businesses in unincorporated Snohomish County; and

WHEREAS, the County Council has determined that the code amendments contained in this ordinance promote a county purpose as established under RCW 36.70A.130 and Chapter 30.73 SCC; and

WHEREAS, the Snohomish County Planning Commission ("Planning Commission") held a briefing on \_\_\_\_\_, concerning the code amendments contained in this ordinance; and

WHEREAS, the Planning Commission held a public hearing on \_\_\_\_\_, to receive public testimony concerning the code amendments contained in this ordinance; and

WHEREAS, at the conclusion of the Planning Commission's public hearing, the Planning Commission voted to recommend \_\_\_\_\_, as set forth in its recommendation letter dated \_\_\_\_\_; and

1 WHEREAS, on \_\_\_\_\_, the County Council held a public hearing  
2 after proper notice, and considered public comments and the entire record related to the  
3 code amendments contained in this ordinance; and  
4

5 WHEREAS, following the public hearing, the County Council deliberated on the  
6 code amendments contained in this ordinance;  
7

8 NOW, THEREFORE, BE IT ORDAINED:  
9

10 Section 1. The County Council adopts the following findings in support of this  
11 ordinance:  
12

13 A. The foregoing recitals are adopted as findings as if set forth in full herein.  
14

15 B. This proposal is consistent with the following goals, objectives and policies  
16 contained in the County's GMA Comprehensive Plan:  
17

- 18 1. Objective LU 2.E "Provide for reasonable flexibility in land use regulation and  
19 planned mixing of uses, where appropriate, while maintaining adequate  
20 protection for existing neighborhoods."  
21
- 22 2. Goal LU 6 "Protect and enhance the character, quality, and identity of rural  
23 areas."  
24
- 25 3. Policy LU 6.H.4 "Rural residents should have access to a mix of small scale  
26 retail sales, personal services and job opportunities within the CRC  
27 designation."  
28
- 29 4. Goal HO 2 "Ensure the vitality and character of existing residential  
30 neighborhoods."  
31
- 32 5. Objective ED 1.A "Snohomish County shall endeavor to provide a good  
33 quality of life for residents and businesses – recognizing that business can  
34 thrive only in a healthy community."  
35

36 D. Procedural requirements.  
37

- 38 1. This ordinance is consistent with state law and chapter 30.73 SCC.  
39
- 40 2. State Environmental Policy Act, Chapter 43.21C RCW ("SEPA"),  
41 requirements with respect to this non-project action have been satisfied through  
42 the completion of an environmental checklist and the issuance of a determination  
43 of non-significance on \_\_\_\_\_.  
44

1 3. Pursuant to RCW 36.70A.106(1), a notice of intent to adopt this ordinance  
2 was transmitted to the Washington State Department of Commerce for  
3 distribution to state agencies on \_\_\_\_\_.

4  
5 4. The public participation process used in the adoption of this ordinance has  
6 complied with all applicable requirements of the GMA and the SCC.

7  
8 5. As required by RCW 36.70A.370, the Washington State Attorney General last  
9 issued an advisory memorandum in December of 2006 entitled "Advisory  
10 Memorandum: Avoiding Unconstitutional Takings of Private Property" to help  
11 local governments avoid the unconstitutional taking of private property. The  
12 process outlined in the State Attorney General's 2006 advisory memorandum  
13 was used by the County in objectively evaluating the regulatory changes  
14 proposed by this ordinance.

15  
16 E. This ordinance is consistent with the record.

- 17  
18 1. Section 4 amends SCC 30.22.110 to make marijuana processing and  
19 marijuana production conditional uses in the R-5 zone. The review process  
20 associated with a conditional use permit will help ensure that new marijuana  
21 businesses in rural residential areas do not harm the character of rural areas.  
22  
23 2. Section 5 amends SCC 30.23.130 to delete a reference note about marijuana  
24 collective gardens. An identical provision is added to a new code section, so  
25 the provision is just moved from one place to another with no change.  
26  
27 3. Section 6 adds a new section to chapter 30.28 SCC with the provision that is  
28 moved from the reference notes. The new section also restricts medical  
29 marijuana businesses from locating near schools and other sensitive uses  
30 where state law restricts licensing of marijuana businesses, and also restricts  
31 them near airports and airports. It also restricts new marijuana collective  
32 gardens, dispensaries, and access points from locating within one mile of  
33 existing marijuana collective gardens, dispensaries, and access points.  
34 These provisions address concerns about compatibility with neighborhood  
35 character and surrounding uses.

36  
37 Section 2. The County Council makes the following conclusions:

- 38  
39 A. The proposal is consistent with the goals, objectives and policies of the County's  
40 GMA Comprehensive Plan.  
41  
42 B. The proposal is consistent with Washington State law and the Snohomish  
43 County Code.  
44  
45 C. The County has complied with all SEPA requirements in respect to this non-  
46 project action.

1  
2 D. The regulations proposed by this ordinance do not result in an unconstitutional  
3 taking of private property for a public purpose.  
4

5 E. This ordinance is necessary to prevent marijuana facilities from locating in areas  
6 where they would be detrimental to the public health, safety and welfare.  
7

8 Section 3. The County Council bases its findings and conclusions on the entire  
9 record of the County Council, including all testimony and exhibits. Any finding which  
10 should be deemed a conclusion, and any conclusion which should be deemed a finding,  
11 is hereby adopted as such.  
12

13 Section 4. Snohomish County Code Section 30.22.110, last amended by  
14 Amended Ordinance No. 13-086 on November 13, 2013, is amended to read:  
15

# 30.22.110 Rural and Resource Use Matrix

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC
Accessory Apartment <sup>32</sup>	A	A	A	A				A	A	A	A
Agriculture <sup>41</sup>	P	P	P	P	P	P	P	P	P	P	P
Airport: Stage 1 Utility <sup>1</sup>	C	C	C <sup>115</sup>					C			
Antique Shop	C		C <sup>45, 115</sup>	P <sup>19</sup>	P						
Art Gallery <sup>41</sup>	C		C <sup>115</sup>	P <sup>19</sup>	P						P
Asphalt Batch Plant & Continuous Mix Asphalt Plant											
Auto Repair, Minor				P <sup>19</sup>	P	P					
Auto Towing	C		C								
Bakery				P <sup>19</sup>	P						
Bakery, Farm <sup>9/</sup>	P	P	P	P			P		P	P	
Bed and Breakfast Guesthouse <sup>36</sup>	C		C <sup>115</sup>	P				C	C	A	
Bed and Breakfast Inn <sup>38</sup>	C		C <sup>115</sup>	P				C	C	C	
Boarding House	P <sup>15</sup>	P <sup>15</sup>	P <sup>15, 115</sup>					P <sup>15</sup>		P <sup>15</sup>	
Boat Launch, Commercial <sup>31</sup>		C							C		
Boat Launch, Non-commercial <sup>31</sup>	C		C	C				C	C		
Campground									C <sup>32</sup>		
Caretaker's Quarters	P		C				P				P
Cemetery, Columbarium, Crematorium, Mausoleum <sup>41</sup>	P		C <sup>115</sup>								
Church <sup>41</sup>	P		C <sup>115</sup>	C	P						
Cold Storage							P				
Commercial Vehicle Home Basing			C <sup>33</sup>								

Type of Use	Rural Zones										Resource Zones			
	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC			
Commercial Vehicle Storage Facility				C			P							
Community Club	P		C <sup>115</sup>	P	P									
Community Facilities for Juveniles <sup>103</sup> 1 to 8 residents 9 to 24 residents			P <sup>102, 115</sup> S <sup>102, 115</sup>	P P	P P									
Construction Contracting				P <sup>90, 81</sup>										
Country Club	C		C <sup>115</sup>	P										
Craft Shop <sup>21</sup>				P										
Dams, Power Plants, & Associated Uses									P					
Day Care Center <sup>2</sup>	P		C <sup>115</sup>	P	P	P								
Distillation of Alcohol	C <sup>34</sup>		C <sup>34, 115</sup>							C <sup>34</sup>				
Dock & Boathouse, Private, Non-commercial <sup>3, 41</sup>	P	P	P	P				P	P	P				
Drug Store				P <sup>70</sup>	P									
Dwelling, Duplex	P	P	P					P		P				
Dwelling, Mobile Home	P	P	P		P <sup>8</sup>			P	P	P	P			
Dwelling, Single Family	P	P	P		P			P	P	P	P			
Equestrian Center <sup>41, 70, 72</sup>	P	C	C <sup>115</sup>					C	P	C <sup>70</sup>				
Excavation & Processing of Minerals <sup>28</sup>	A, C	A, C	A, C				A, C	A, P, C	A, C		A, C			
Explosives, Storage	C	C	C				C	P	C		C			
Fabrication Shop							P							
Fallout Shelter, Individual	P	P	P <sup>115</sup>	P	P	P	P	P	P	P	P			
Fallout Shelter, Joint <sup>7</sup>	P		P	P	P	P	P	P	P	P	P			
Family Day Care Home <sup>8</sup>	P		P <sup>115</sup>	P	P	P		P		P	P			

Type of Use	Rural Zones										Resource Zones			
	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC			
Farm Product Processing Up to 5,000 sq ft Over 5,000 sq ft <sup>64</sup>	P	P	P <sup>115</sup>	P			P	P		P				
	A	A	A <sup>115</sup>	A			A	A		A				
Farm Support Business <sup>64</sup>	A	A	A <sup>115</sup>	A			P			A				
Farm Stand Up to 400 sq ft <sup>9</sup> 401 - 5,000 sq ft <sup>96, 100</sup>	P	P	P <sup>100, 115</sup>	P	P	P	P	P	P	P	P			P
	P	P	P, A <sup>100</sup>	P	P	P	P	P	P	P	P			
Farm Workers Dwelling										P <sup>10</sup>				
Farmers Market <sup>52</sup>	P	P	P <sup>101</sup> A <sup>101, 115</sup>	P	P	P	P	P		P				
Farmland Enterprises <sup>55</sup>		A	A <sup>115</sup>							A				
Fish Farm	P	P	P <sup>115</sup>					P	P	P				
Fix-it Shop				P <sup>18</sup>	P		P							
Forestry	P	P	P				P	P	P	P	P			P
Forestry Industry Storage & Maintenance Facility	P <sup>30</sup>	P					P	P	P					
Foster Home	P	P	P	P				P		P				
Garage, Detached Private Accessory <sup>60</sup> Up to 2,400 sq ft 2,401 - 4,000 sq ft on More than 3 Acres <sup>41, 59</sup> 2,401 - 4,000 sq ft on Less than 3 acres <sup>41, 59</sup> 4,001 sq ft and Greater <sup>41, 59</sup>	P	P	P	P	P	P	P	P	P		P			P
	P	P	P	P	P	P	P	P	P		P			P
	A	A	A	A	A	A	A	A	A		A			A
	C	C	C	C	C	C	C	C	C		C			C
Garage, Detached Private Non-accessory <sup>60</sup> Up to 2,400 sq ft	P	P	P	P	P	P	P	P	P	P	P			P



Type of Use	Rural Zones						Resource Zones				
	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC
2,401 sq ft and greater <sup>41, 59</sup>	C	C	C	C	C	C	C	C	C	C	C
Golf Course and Driving Range	C		C <sup>115</sup>							C <sup>74</sup>	
Government Structures & Facilities <sup>27, 41</sup>	C	C	C <sup>115</sup>	C	P		C	C	C		C
Greenhouse, Lath House, Nurseries: <sup>52</sup> Retail	P	P	P <sup>115</sup>	P	P		P	P		P	
Greenhouse, Lath House, Nurseries: <sup>52</sup> Wholesale	P	P	P <sup>115</sup>	P	P		P	P		P	
Grocery Store				P <sup>80</sup>	P	P <sup>80</sup>					
Grooming Parlor					P						
Guesthouse <sup>86</sup>	P	P	P	P				P	P	P	
Hardware Store				P <sup>80</sup>	P						
Hazardous Waste Storage & Treatment Facilities Onsite <sup>86</sup>	P			P		P	P	P	P		
Health and Social Service Facility <sup>90</sup>											
Level I	P	P	P <sup>115</sup>	P	P			P	P	P	P
Level II <sup>41, 91</sup>			C <sup>115</sup>	C							
Level III											
Home Improvement Center				P <sup>80</sup>	P						
Home Occupation <sup>11, 84</sup>	P <sup>84</sup>	P <sup>84</sup>	P <sup>84</sup>	P <sup>84</sup>	P			P <sup>84</sup>	P <sup>84</sup>	P <sup>84</sup>	P <sup>84</sup>
Homestead Parcel <sup>40</sup>	C		C <sup>115</sup>							C	
Hotel/Motel				P		P					
Kennel, <sup>41</sup> Commercial <sup>12</sup>	P	P	P <sup>115</sup>					P		C	
Kennel, <sup>41</sup> Private-Breeding <sup>13</sup>	P	P	P					P		P	
Kennel, <sup>41</sup> Private-Non-Breeding <sup>13</sup>	P	P	P	P				P		P	
Kitchen, farm	P	P	P	P			P			P	

Type of Use	Rural Zones										Resource Zones			
	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC			
Library <sup>41</sup>	C		C <sup>115</sup>	P										
Licensed Practitioner <sup>26, 41</sup>				P <sup>79</sup>										
Livestock Auction Facility	C <sup>48</sup>		C <sup>48, 115</sup>		P		P			C <sup>48</sup>				
Locksmith				P	P									
Log Scaling Station	C	C	C <sup>115</sup>				P	P	P	P				
Lumberyard							P							
Manufacturing - All Other Forms Not Specifically Listed <sup>83</sup>				C			C							
Marijuana Collective Garden <sup>124, 126</sup>					P		P							
Marijuana Collective Garden Dispensary, or Access Point <sup>126</sup>				P	P									
Marijuana Processing <sup>124</sup>			((P)) C <sup>115</sup>				P			P				
Marijuana Production <sup>124</sup>			((P)) C <sup>115</sup>				P			P				
Marijuana Retail				P	P									
Metal Working Shop				P <sup>78</sup>			P							
Mini-equestrian Center <sup>41, 12</sup>	P	P	P <sup>115</sup>	P			P	P	P	P <sup>71</sup>				
Model Hobby Park <sup>12</sup>			A <sup>115</sup>							A				
Model House/Sales Office	P	P	P <sup>115</sup>					P	P					
Motocross Racetrack			C <sup>113</sup>						C <sup>113</sup>					
Motor Vehicle & Equipment Sales					P <sup>23</sup>									
Museum <sup>41</sup>	C		C <sup>115</sup>	P						C <sup>61</sup>				
Office, General				P	P									
Off-road vehicle use area, private									C <sup>109</sup>					
Park, Public <sup>14</sup>	P	P	P	P	P		P	P	P	P	P			P

Type of Use	Rural Zones										Resource Zones			
	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC			
Park-and-Pool Lot				P	P	P	P							
Park-and-Ride Lot	C	C	C	P		P		C	C	C				
Personal Services Shop				P <sup>70</sup>	P									
Personal Wireless Communications Facilities <sup>21</sup> , 41, 104, 105, 106	C	C	C	C	C	C	C	C	C	C	C			
Petroleum Products & Gas Storage - Bulk							P <sup>43</sup>							
Print shop				P										
Public Events/Assemblies on Farmland <sup>90</sup>										P				
Race Track <sup>24, 41</sup>			C <sup>115</sup>											
Railroad Right-of-way	C	C	C <sup>115</sup>		P		P	C	C	C	C			
Recreational Facility Not Otherwise Listed <sup>90</sup>	C		C <sup>115</sup>		P		P <sup>70</sup>				C			
Recreational Vehicle <sup>10</sup>	P	P	P					P	P	P	P			
Recreational Vehicle Park									C					
Resort									C					
Restaurant				P <sup>90</sup>	P	P								
Retail Store				P <sup>90</sup>	P									
Rural Industries <sup>41</sup>	P <sup>25</sup>													
Sanitary Landfill	C	C	C <sup>115</sup>					C			C			
Sawmill	C <sup>20</sup>	C <sup>26</sup>	C <sup>26, 115</sup>				P	P	P	P				
Schools														
K-12 & Preschool <sup>41, 90</sup>	C		C <sup>115</sup>	P										
College <sup>41, 90</sup>	C		C <sup>115</sup>											
Other <sup>41, 90</sup>				C			C							

Type of Use	Rural Zones							Resource Zones				
	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC	
Second Hand Store				P <sup>78</sup>	P							
Service Station <sup>41</sup>				P	P	P						
Shake & Shingle Mill	C <sup>26</sup>	C <sup>26</sup>	C <sup>26, 115</sup>				P	P				
Shooting Range <sup>92</sup>	C	C	C					C				
Sludge Utilization <sup>39</sup>	C	C, P <sup>50</sup>	C <sup>115</sup>					C		C	C <sup>56</sup>	
Small Animal Husbandry <sup>41</sup>	P		P		P			P	P	P	P	
Specialty Store				P <sup>78</sup>	P							
Stables	P	P	P	P			P	P	P	P		
Stockyard or Slaughter House							C <sup>48</sup>					
Storage, Retail Sales Livestock Feed			P <sup>54, 115</sup>	P			P			P		
Storage Structure, Accessory <sup>60</sup>												
Up to 2,400 sq ft	P	P	P	P	P	P	P	P	P	P	P	
2,401 - 4,000 sq ft on More than 3 Acres <sup>41, 56</sup>	P	P	P	P	P	P	P	P	P	P	P	
2,401 - 4,000 sq ft on Less than 3 acres <sup>41, 56</sup>	A	A	A	A	A	A	A	A	A	A	A	
4,001 sq ft and Greater <sup>41, 56</sup>	C	C	C	C	C	C	C	C	C	C	C	
Storage Structure, Non-accessory <sup>60</sup>												
Up to 2,400 sq ft	P	P	P	P	P	P	P	P	P	P	P	
2,401 sq ft and greater <sup>41, 56</sup>	C	C	C	C	C	C	C	C	C	C	C	
Studio <sup>41</sup>	C <sup>77</sup>		C <sup>77, 115</sup>									
Swimming/Wading Pool <sup>17, 41</sup>	P	P	P					P	P	P	P	
Tavern <sup>41</sup>				P	P							
Temporary Dwelling During Construction	A	A	A	A	A	A	A	A	A	A	A	
Temporary Dwelling For Relative <sup>18</sup>	A	A	A					A	A	A	A	

Type of Use	Rural Zones							Resource Zones			
	RD	RRT-10	R-5	RB	CRC	RFS	RI	F	F&R	A-10	MC
Temporary Logging Crew Quarters											
Temporary Residential Sales Coach <sup>13</sup>	A		A <sup>115</sup>					P	P		
Temporary Woodwaste Recycling <sup>63</sup>	A						A	A			
Temporary Woodwaste Storage <sup>63</sup>	A							A			
Tire Store					P						
Tool Sales & Rental				P	P						
Transit Center	C	C	C <sup>115</sup>	P		P		C	C	C	
Ultralight Airpark <sup>20</sup>	C	C	C <sup>115</sup>					C			
Utility Facilities, Electromagnetic Transmission & Receiving Facilities <sup>27</sup>	C	C	C	C	P	C	P	C	C	C	C
Utility Facilities, Transmission Wires or Pipes & Supports <sup>27</sup>	P	P	P	P	P	P	P	P	P	P	P
Utility Facilities - All Other Structures <sup>27, 41</sup>	C	C	C	C	P	C	P	C	C	C	C
Veterinary Clinic	P		C <sup>115</sup>	P	P					C	
Wedding Facility <sup>67</sup>		P	P <sup>115</sup>							P	
Woodwaste Recycling <sup>37</sup>	C	C	C				C	C			
Woodwaste Storage <sup>37</sup>	C	C	C				C	C			
Yacht/Boat Club				P			P				

P - Permitted Use	<p>A blank box indicates a use is not allowed in a specific zone.</p> <p>Note: Reference numbers within matrix indicate special conditions apply; see SCC 30.22.130.</p> <p>Check other matrices in this chapter if your use is not listed above.</p>
A - Administrative Conditional Use	
C - Conditional Use	
S - Special Use	

Section 5. Snohomish County Code Section 30.22.130, last amended by Amended Ordinance No. 13-100 on January 8, 2014, is amended to read:

**30.22.130 Reference notes for use matrix.**

**(1) Airport, Stage 1 Utility:**

- (a) Not for commercial use and for use of small private planes;
- (b) In the RU zone, they shall be primarily for the use of the resident property owner; and
- (c) When the airport is included in an airpark, the disclosure requirements of SCC 30.28.005 shall apply.

**(2) Day Care Center:**

- (a) In WFB, R-7,200, R-8,400, R-9,600, R-12,500, R-20,000, and SA-1 zones, shall only be permitted in connection with and secondary to a school facility or place of worship; and
- (b) Outdoor play areas shall be fenced or otherwise controlled, and noise buffering provided to protect adjoining residences.

**(3) Dock and Boathouse, Private, Non-commercial:** The following standards apply outside of shoreline jurisdiction only. If located within shoreline jurisdiction, the standards in SCC 30.67.515 apply instead.

- (a) The height of any covered over-water structure shall not exceed 12 feet as measured from the line of ordinary high water;
- (b) The total roof area of covered, over-water structures shall not exceed 1,000 square feet;
- (c) The entirety of such structures shall have a width no greater than 50 percent of the width of the lot at the natural shoreline upon which it is located;
- (d) No over-water structure shall extend beyond the mean low water mark a distance greater than the average length of all preexisting over-water structures along the same shoreline and within 300 feet of the parcel on which proposed. Where no such preexisting structures exist within 300 feet, the pier length shall not exceed 50 feet;
- (e) Structures permitted hereunder shall not be used as a dwelling, nor shall any boat moored at any wharf be used as a dwelling while so moored; and
- (f) Covered structures are subject to a minimum setback of three feet from any side lot line or extension thereof. No side yard setback shall be required for uncovered structures. No rear yard setback shall be required for any structure permitted hereunder.

**(4) Dwelling, Single family:** In PCB zones, shall be allowed only if included within the same structure as a commercial establishment. In the MHP zone, single family detached dwellings are limited to one per existing single legal lot of record.

**(5) See chapter 30.31E SCC for rezoning to Townhouse zone, and chapter 30.23A SCC for design standards applicable to townhouse and attached single-family dwelling development.**

**(6) Dwelling, Mobile Home:**

- (a) Shall be multi-sectioned by original design, with a width of 20 feet or greater along its entire body length;
- (b) Shall be constructed with a non-metallic type, pitched roof;

- (c) Except where the base of the mobile home is flush to ground level, shall be installed either with:
- (i) skirting material which is compatible with the siding of the mobile home; or
  - (ii) a perimeter masonry foundation;
- (d) Shall have the wheels and tongue removed; and
- (e) In the RU zone the above only applies if the permitted lot size is less than 20,000 square feet.
- (7) Fallout Shelter, Joint, by two or more property owners:  
Side and rear yard requirements may be waived by the department along the boundaries lying between the properties involved with the proposal, and zone; provided that its function as a shelter is not impaired.
- (8) Family Day Care Home:
- (a) No play yards or equipment shall be located in any required setback from a street; and
  - (b) Outdoor play areas shall be fenced or otherwise controlled.
- (9) Farm Stand:
- (a) There shall be only one stand on each lot; and
  - (b) At least 50 percent by farm product unit of the products sold shall be grown, raised or harvested in Snohomish County, and 75 percent by farm product unit of the products sold shall be grown, raised or harvested in the State of Washington.
- (10) Farm Worker Dwelling:
- (a) At least one person residing in each farm worker dwelling unit shall be employed full time in the farm operation;
  - (b) An agricultural farm worker dwelling unit affidavit must be signed and recorded with the county attesting to the need for such dwellings to continue the farm operation;
  - (c) The number of farm worker dwellings shall be limited to one per each 40 acres under single contiguous ownership to a maximum of six total dwellings, with 40 acres being required to construct the first accessory dwelling unit. Construction of the maximum number of dwelling units permitted shall be interpreted as exhausting all residential potential of the land until such time as the property is legally subdivided; and
  - (d) All farm worker dwellings must be clustered on the farm within a 10-acre farmstead which includes the main dwelling. The farmstead's boundaries shall be designated with a legal description by the property owner with the intent of allowing maximum flexibility while minimizing interference with productive farm operation. Farm worker dwellings may be located other than as provided for in this subsection only if environmental or physical constraints preclude meeting these conditions.
- (11) Home Occupation: See SCC 30.28.050.
- (12) Kennel, Commercial: There shall be a five-acre minimum lot area; except in the R-5 and RD zones, where 200,000 square feet shall be the minimum lot area.
- (13) Kennel, Private-breeding, and Kennel, Private Non-breeding: Where the animals comprising the kennel are housed within the dwelling, the yard or some portion thereof shall be fenced and maintained in good repair or to contain or to confine the animals upon the property and restrict the entrance of other animals.
- (14) Parks, Publicly-owned and Operated:

- (a) No bleachers are permitted if the site is less than five acres in size;
- (b) All lighting shall be shielded to protect adjacent properties; and
- (c) No amusement devices for hire are permitted.
- (15) Boarding House: There shall be accommodations for no more than two persons.
- (16) RESERVED for future use (Social Service Center - DELETED by Amended Ord. 04-010 effective March 15, 2004)
- (17) Swimming/Wading Pool (not to include hot tubs and spas): For the sole use of occupants and guests:
- (a) No part of the pool shall project more than one foot above the adjoining ground level in a required setback; and
- (b) The pool shall be enclosed with a fence not less than four feet high, of sufficient design and strength to keep out children.
- (18) Temporary Dwelling for a relative:
- (a) The dwelling shall be occupied only by a relative, by blood or marriage, of the occupant(s) of the permanent dwelling;
- (b) The relative must receive from, or administer to, the occupant of the other dwelling continuous care and assistance necessitated by advanced age or infirmity;
- (c) The need for such continuous care and assistance shall be attested to in writing by a licensed physician;
- (d) The temporary dwelling shall be occupied by not more than two persons;
- (e) Use as a commercial rental unit shall be prohibited;
- (f) The temporary dwelling shall be situated not less than 20 feet from the permanent dwelling on the same lot and shall not be located in any required yard of the principal dwelling;
- (g) A land use permit binder shall be executed by the landowner, recorded with the Snohomish County auditor and a copy of the recorded document submitted to the department for inclusion in the permit file;
- (h) Adequate screening, landscaping, or other measures shall be provided pursuant to SCC 30.25.028 to protect surrounding property values and ensure compatibility with the immediate neighborhood;
- (i) An annual renewal of the temporary dwelling permit, together with recertification of need, shall be accomplished by the applicant through the department in the same month of each year in which the initial mobile home/building permit was issued;
- (j) An agreement to terminate such temporary use at such time as the need no longer exists shall be executed by the applicant and recorded with the Snohomish County auditor; and
- (k) Only one temporary dwelling may be established on a lot. The temporary dwelling shall not be located on a lot on which a detached accessory apartment is located.
- (19) Recreational Vehicle:
- (a) There shall be no more than one per lot;
- (b) Shall not be placed on a single site for more than 180 days in any 12-month period; and
- (c) Shall be limited in the floodways to day use only (dawn to dusk) during the flood season (October 1st through March 30th) with the following exceptions:
- (i) Recreational vehicle use associated with a legally occupied dwelling to



accommodate overnight guests for no more than a 21-day period;  
(ii) Temporary overnight use by farm workers on the farm where they are employed subject to subsections (19)(a) and (b) of this section; and  
(iii) Subject to subsections (19)(a) and (b) of this section and SCC 30.22.120(7)(b), temporary overnight use in a mobile home park, which has been in existence continuously since 1970 or before, that provides septic or sewer service, water and other utilities, and that has an RV flood evacuation plan that has been approved and is on file with the department of emergency management and department of planning and development services.

(20) Ultralight Airpark:

- (a) Applicant shall submit a plan for the ultralight airpark showing the location of all buildings, ground circulation, and parking areas, common flight patterns, and arrival and departure routes;
- (b) Applicant shall describe in writing the types of activities, events, and flight operations which are expected to occur at the airpark; and
- (c) Approval shall be dependent upon a determination by the county decision maker that all potential impacts such as noise, safety hazards, sanitation, traffic, and parking are compatible with the site and neighboring land uses, particularly those involving residential uses or livestock or small animal husbandry; and further that the proposed use can comply with Federal Aviation Administration regulations (FAR Part 103), which state that ultralight vehicle operations will not:
  - (i) create a hazard for other persons or property;
  - (ii) occur between sunset and sunrise;
  - (iii) occur over any substantially developed area of a city, town, or settlement, particularly over residential areas or over any open air assembly of people; or
  - (iv) occur in an airport traffic area, control zone, terminal control area, or positive control area without prior authorization of the airport manager with jurisdiction.

(21) Craft Shop:

- (a) Articles shall not be manufactured by chemical processes;
- (b) No more than three persons shall be employed at any one time in the fabricating, repair, or processing of materials; and
- (c) The aggregate nameplate horsepower rating of all mechanical equipment on the premises shall not exceed two.

(22) Grocery and Drug Stores: In the FS zone, there shall be a 5,000-square foot floor area limitation.

(23) Motor Vehicle and Equipment Sales: In the CB and CRC zone, all display, storage, and sales activities shall be conducted indoors.

(24) Race Track: The track shall be operated in such a manner so as not to cause offense by reason of noise or vibration beyond the boundaries of the subject property.

(25) Rural Industry:

- (a) The number of employees shall not exceed 10;
- (b) All operations shall be carried out in a manner so as to avoid the emission or creation of smoke, dust, fumes, odors, heat, glare, vibration, noise, traffic, surface water drainage, sewage, water pollution, or other emissions which are unduly or unreasonably offensive or injurious to properties, residents, or

- improvements in the vicinity;
- (c) The owner of the rural industry must reside on the same premises as the rural industry and, in the RD zone, the residence shall be considered as a caretaker's quarters; and
- (d) Outside storage, loading or employee parking in the RD zone shall provide 15-foot wide Type A landscaping as defined in SCC 30.25.017.
- (26) Sawmill, Shake and Shingle Mill:
- (a) Such uses shall not include the manufacture of finished wood products such as furniture and plywood, but shall include lumber manufacturing;
- (b) The number of employees shall not exceed 25 during any eight-hour work shift;
- (c) All operations shall be carried out in a manner so as to avoid the emission or creation of smoke, dust, fumes, odors, heat, glare, vibration, noise, traffic, surface water drainage, sewage, water pollution, or other emissions which are unduly or unreasonably offensive or injurious to properties, residents or improvements in the vicinity; and
- (d) Sawmills and shakemills adjacent to a state highway in the RU zone shall provide 25 feet of Type A landscaping as defined in SCC 30.25.017.
- (27) Governmental and Utility Structures and Facilities:  
Special lot area requirements for this use are contained in SCC 30.23.200.
- (28) Excavation and Processing of Minerals:
- (a) This use, as described in SCC 30.31D.010(2), is allowed in the identified zones only where these zones coincide with the mineral lands designation in the comprehensive plan (mineral resource overlay or MRO), except for the MC zone where mineral lands designation is not required.
- (b) An Administrative Conditional Use Permit or a Conditional Use Permit is required pursuant to SCC 30.31D.030.
- (c) Excavation and processing of minerals exclusively in conjunction with forest practices regulated pursuant to chapter 76.09 RCW is permitted outright in the Forestry zone.
- (29) Medical Clinic, Licensed Practitioner: A prescription pharmacy may be permitted when located within the main building containing licensed practitioner(s).
- (30) Forest Industry Storage & Maintenance Facility (except harvesting) adjacent to property lines in the RU zone shall provide 15-foot wide Type A landscaping as defined in SCC 30.25.017.
- (31) Boat Launch Facilities, Commercial or Non-commercial:
- (a) The hearing examiner may regulate, among other factors, required launching depth, lengths of existing docks and piers;
- (b) Off-street parking shall be provided in an amount suitable to the expected usage of the facility. When used by the general public, the guideline should be 32 to 40 spaces capable of accommodating both a car and boat trailer for each ramp lane of boat access to the water;
- (c) A level vehicle-maneuvering space measuring at least 50 feet square shall be provided;
- (d) Pedestrian access to the water separate from the boat launching lane or lanes may be required where it is deemed necessary in the interest of public safety;
- (e) Safety buoys shall be installed and maintained separating boating activities

- 1 from other water-oriented recreation and uses where this is reasonably required  
2 for public safety, welfare, and health; and  
3 (f) All site improvements for boat launch facilities shall comply with all other  
4 requirements of the zone in which it is located.
- 5 (32) Campground:  
6 (a) The maximum overall density shall be seven camp or tent sites per acre; and  
7 (b) The minimum site size shall be 10 acres.
- 8 (33) Commercial Vehicle Home Basing:  
9 (a) The vehicles may be parked and maintained only on the property wherein  
10 resides a person who uses them in their business;  
11 (b) Two or more vehicles may be so based; and  
12 (c) The vehicles shall be in operable conditions.
- 13 (34) Distillation of Alcohol:  
14 (a) The distillation shall be from plant products, for the purpose of sale as fuel,  
15 and for the production of methane from animal waste produced on the premises;  
16 (b) Such distillation shall be only one of several products of normal agricultural  
17 activities occurring on the premises; and  
18 (c) By-products created in this process shall be used for fuel or fertilizer on the  
19 premises.
- 20 (35) RESERVED for future use (Group Care Facility - DELETED by Amended Ord. 04-  
21 010 effective March 15, 2004)
- 22 (36) Mobile Home and Travel Trailer Sales:  
23 (a) Property shall directly front upon a principal or minor arterial in order to  
24 reduce encroachment into the interior of IP designated areas;  
25 (b) The hearing examiner shall consider the visual and aesthetic characteristics  
26 of the use proposal and determine whether nearby business and industrial uses,  
27 existing or proposed, would be potentially harmed thereby. A finding of potential  
28 incompatibility shall be grounds for denial;  
29 (c) The conditional use permit shall include a condition requiring mandatory  
30 review by the hearing examiner at intervals not to exceed five years for the  
31 express purpose of evaluating the continued compatibility of the use with other IP  
32 uses. The review required herein is in addition to any review which may be held  
33 pursuant to SCC 30.42B.100, SCC 30.42C.100 and SCC 30.43A.100;  
34 (d) Such use shall not be deemed to be outside storage for the purpose of SCC  
35 30.25.024; and  
36 (e) Such use shall be temporary until business or industrial development is timely  
37 on the site or on nearby IP designated property.
- 38 (37) Small Animal Husbandry: There shall be a five-acre minimum site size.
- 39 (38) Mobile Home Park: Such development must fulfill the requirements of chapter  
40 30.42E SCC.
- 41 (39) Sludge Utilization: See SCC 30.28.085.
- 42 (40) Homestead Parcel: See SCC 30.28.055.
- 43 (41) Special Setback Requirements for this use are contained in SCC 30.23.110 or SCC  
44 30.67.515 if within shoreline jurisdiction.
- 45 (42) Minimum Lot Size for duplexes shall be one and one-half times the minimum lot  
46 size for single family dwellings. In the RU zone, this provision only applies when the  
47 minimum lot size for single family dwellings is 12,500 square feet or less.
- 48 (43) Petroleum Products and Gas, Bulk Storage:

- (a) All above ground storage tanks shall be located 150 feet from all property lines; and
- (b) Storage tanks below ground shall be located no closer to the property line than a distance equal to the greatest dimensions (diameter, length or height) of the buried tank.
- (44) Auto Wrecking Yards and Junkyards: A sight-obscuring fence a minimum of seven feet high shall be established and maintained in the LI zone. For requirements for this use, SCC 30.25.020 and 30.25.050 apply.
- (45) Antique Shops when established as a home occupation as regulated by SCC 30.28.050(1); provided further that all merchandise sold or offered for sale shall be predominantly "antique" and antique-related objects.
- (46) Billboards: See SCC 30.27.080 for specific requirements.
- (47) Nursery, Wholesale: In R-20,000 zone, a wholesale nursery is permitted on three acres or more; a conditional use permit is required on less than three acres.
- (48) Stockyard and Livestock Auction Facility: The minimum lot size is 10 acres.
- (49) Restaurants and Personal Service Shops: Located to service principally the constructed industrial park uses.
- (50) Sludge Utilization: A conditional use permit is required for manufacture of materials by a non-governmental agency containing stabilized or digested sludge for a public utilization.
- (51) Single Family and Multifamily Dwellings are a prohibited use, except for the following:
- (a) Existing dwellings that are nonconforming as a result of a county-initiated rezone to BP may make improvements or additions provided such improvements are consistent with the bulk regulations contained in chapter 30.23 SCC; provided further that such improvements do not increase the ground area covered by the structural portion of the nonconforming use by more than 100 percent of that existing at the existing date of the nonconformance; and
- (b) New single family and multifamily dwellings in the BP zone authorized pursuant to the provisions of SCC 30.31A.140.
- (52) Greenhouses, Lath Houses, and Nurseries:
- (a) Incidental sale of soil, bark, fertilizers, plant nutrients, rocks, and similar plant husbandry materials is permitted;
- (b) The incidental sale of garden tools and associated gardening accessories shall be permitted; however, the sale of motorized landscaping equipment such as lawn mowers, weed eaters, edgers, and rototillers shall be prohibited;
- (c) There shall be no on-site signs advertising uses other than the principal use; and
- (d) Incidental sales of garden tools and associated gardening accessories shall be less than 25 percent of the sales of products produced in the greenhouse, lath house, or nursery.
- (53) Retail Store: See SCC 30.31A.120 for specific requirements for retail stores in the BP zone.
- (54) Retail Sales of Hay, Grain, and Other Livestock Feed are permitted on site in conjunction with a livestock auction facility.
- (55) Noise of Machines and Operations in the LI and HI zones shall comply with chapter 10.01 SCC and machines and operations shall be muffled so as not to become objectionable due to intermittence, beat frequency, or shrillness.

- (56) Sludge Utilization only at a completed sanitary landfill or on a completed cell within a sanitary landfill, subject to the provision of SCC 30.28.085.
- (57) Woodwaste Recycling and Woodwaste Storage Facility: See SCC 30.28.095.
- (58) Bed and Breakfast Guesthouses and Bed and Breakfast Inns: See SCC 30.28.020.
- (59) Detached accessory or non-accessory private garages and storage structures are subject to the following requirements:
- (a) Special setback requirements for these uses are contained in SCC 30.23.110(20);
  - (b) Artificial lighting shall be hooded or shaded so that direct outside lighting, if any, will not result in glare when viewed from the surrounding property or rights-of-way;
  - (c) The following compatibility standards shall apply:
    - (i) proposals for development in existing neighborhoods with a well-defined character should be compatible with or complement the highest quality features, architectural character and siting pattern of neighboring buildings. Where there is no discernable pattern, the buildings shall complement the neighborhood. Development of detached private garages and storage structures shall not interrupt the streetscape or dwarf the scale of existing buildings of existing neighborhoods. Applicants may refer to the Residential Development Handbook for Snohomish County Communities to review techniques recommended to achieve neighborhood compatibility;
    - (ii) building plans for all proposals larger than 2,400 square feet in the Waterfront Beach, R-7,200, R-8,400, R-9,600 and R-12,500 zones and rural cluster subdivisions shall document the use of building materials compatible and consistent with existing on-site residential development exterior finishes;
    - (iii) in the Waterfront Beach, R-7,200, R-8,400, R-9,600 and R-12,500 zones and rural cluster subdivisions, no portion of a detached accessory private garage or storage structure shall extend beyond the building front of the existing single family dwelling, unless screening, landscaping, or other measures are provided to ensure compatibility with adjacent properties; and
    - (iv) in the Waterfront Beach, R-7,200, R-8,400, R-9,600 and R-12,500 zones and rural cluster subdivisions, no portion of a detached non-accessory private garage or storage structure shall extend beyond the building front of existing single family dwellings on adjacent lots where the adjacent dwellings are located within 10 feet of the subject property line. When a detached non-accessory private garage or storage structure is proposed, the location of existing dwellings on adjacent properties located within 10 feet of the subject site property lines shall be shown on the site plan;
  - (d) All detached accessory or non-accessory private garages and storage structures proposed with building footprints larger than 2,400 square feet shall provide screening or landscaping from adjacent properties pursuant to chapter 30.25 SCC;
  - (e) On lots less than 10 acres in size having no established residential use, only one non-accessory private garage and one storage structure shall be allowed.

On lots 10 acres or larger without a residence where the cumulative square footage of all existing and proposed non-accessory private garages and storage structures is 6,000 square feet or larger, a conditional use permit shall be required.

(f) Where permitted, separation between multiple private garages or storage structures shall be regulated pursuant to subtitle 30.5 SCC.

(60) The cumulative square footage of all detached accessory and non-accessory private garages and storage structures shall not exceed 6,000 square feet on any lot less than 5 acres, except this provision shall not apply in the LDMR, MR, T, NB, GC, PCB, CB, FS, BP, IP, LI, HI, RB, RFS, CRC and RI zones.

(61) Museums: Museums within the agriculture A-10 zone are permitted only in structures which are legally existing on October 31, 1991.

(62) Accessory Apartments: See SCC 30.28.010.

(63) Temporary Woodwaste Recycling and Temporary Woodwaste Storage Facilities: See SCC 30.28.090.

(64) RESERVED for future use.

(65) On-site Hazardous Waste Treatment and Storage Facilities are allowed only as an incidental use to any use generating hazardous waste which is otherwise allowed; provided that such facilities demonstrate compliance with the state siting criteria for dangerous waste management facilities pursuant to RCW 70.105.210 and WAC 173-303-282 as now written or hereafter amended.

(66) An application for a conditional use permit to allow an off-site hazardous waste treatment and storage facility shall demonstrate compliance with the state siting criteria for dangerous waste management facilities pursuant to RCW 70.105.210 and WAC 173-303-282 as now written or hereafter amended.

(67) Adult Entertainment Uses: See SCC 30.28.015.

(68) Special Building Height provisions for this use are contained in SCC 30.23.050(2)(d).

(69) Bakery: In the NB zone, the gross floor area of the use shall not exceed 1,000 square feet and the bakery business shall be primarily retail in nature.

(70) Equestrian Centers are allowed with a conditional use permit on all lands zoned A-10 except in that portion of the special flood hazard area of the lower Snohomish and Stillaguamish rivers designated density fringe as described in chapter 30.65 SCC.

(71) Mini-equestrian Centers are allowed as a permitted use on all lands zoned A-10 except in that portion of the special flood hazard area of the lower Snohomish and Stillaguamish rivers designated density fringe as described in chapter 30.65 SCC.

(72) Equestrian Centers and Mini-equestrian Centers require the following:

(a) Five-acre minimum site size for a mini-equestrian center;

(b) Covered riding arenas shall not exceed 15,000 square feet for a mini-equestrian center; provided that stabling areas, whether attached or detached, shall not be included in this calculation;

(c) Any lighting of an outdoor or covered arena shall be shielded so as not to glare on surrounding properties or rights-of-way;

(d) On sites located in RC and R-5 zones, Type A landscaping as defined in SCC 30.25.017 is required to screen any outside storage, including animal waste storage, and parking areas from adjacent properties;

(e) Riding lessons, rentals, or shows shall only occur between 8 a.m. and 9 p.m.;

(f) Outside storage, including animal waste storage, and parking areas shall be

- 1 set back at least 30 feet from any adjacent property line. All structures shall be  
2 set back as required in SCC 30.23.110(8); and  
3 (g) The facility shall comply with all applicable county building, health, and fire  
4 code requirements.
- 5 (73) Temporary Residential Sales Coach (TRSC):  
6 (a) The commercial coach shall be installed in accordance with all applicable  
7 provisions within chapter 30.54A SCC;  
8 (b) The TRSC shall be set back a minimum of 20 feet from all existing and  
9 proposed road rights-of-way and five feet from proposed and existing property  
10 lines;  
11 (c) Vehicular access to the temporary residential sales coach shall be approved  
12 by the county or state; and  
13 (d) Temporary residential sales coaches may be permitted in approved  
14 preliminary plats, prior to final plat approval, when the following additional  
15 conditions have been met:  
16 (i) plat construction plans have been approved;  
17 (ii) the fire marshal has approved the TRSC proposal;  
18 (iii) proposed lot lines for the subject lot are marked on site; and  
19 (iv) the site has been inspected for TRSC installation to verify compliance  
20 with all applicable regulations and plat conditions, and to assure that land  
21 disturbing activity, drainage, utilities infrastructure, and native growth  
22 protection areas are not adversely affected.
- 23 (74) Golf Course and Driving Range: In the A-10 zone, artificial lighting of the golf  
24 course or driving range shall not be allowed. Land disturbing activity shall be limited in  
25 order to preserve prime farmland. At least 75 percent of prime farmland on site shall  
26 remain undisturbed.
- 27 (75) Model Hobby Park: SCC 30.28.060.
- 28 (76) Commercial Retail Uses are not allowed in the Light Industrial and Industrial Park  
29 zones when said zones are located in the Maltby UGA of the comprehensive plan, and  
30 where such properties are, or can be served by railway spur lines.
- 31 (77) Studio: Studio uses may require the imposition of special conditions to ensure  
32 compatibility with adjacent residential, multiple family, or rural-zoned properties. The  
33 hearing examiner may impose such conditions when deemed necessary pursuant to the  
34 provisions of chapter 30.42C SCC. The following criteria are provided for hearing  
35 examiner consideration when specific circumstances necessitate the imposition of  
36 conditions:  
37 (a) The number of nonresident artists and professionals permitted to use a studio  
38 at the same time may be limited to no more than 10 for any lot 200,000 square  
39 feet or larger in size, and limited to five for any lot less than 200,000 square feet  
40 in size;  
41 (b) The hours of facility operation may be limited; and  
42 (c) Landscape buffers may be required to visually screen facility structures or  
43 outdoor storage areas when the structures or outdoor storage areas are  
44 proposed within 100 feet of adjacent residential, multiple family, and rural-zoned  
45 properties. The buffer shall be an effective site obscuring screen consistent with  
46 Type A landscaping as defined in SCC 30.25.017.
- 47 (78) The gross floor area of the use shall not exceed 1,000 square feet.
- 48 (79) The gross floor area of the use shall not exceed 2,000 square feet.

(80) The gross floor area of the use shall not exceed 4,000 square feet.

(81) The construction contracting use in the Rural Business zone shall be subject to the following requirements:

(a) The use complies with all of the performance standards required by SCC 30.31F.100 and 30.31F.110;

(b) Not more than 1,000 square feet of outdoor storage of materials shall be allowed and shall be screened in accordance with SCC 30.25.024;

(c) In addition to the provisions of subsection (81)(b) of this section, not more than five commercial vehicles or construction machines shall be stored outdoors and shall be screened in accordance with SCC 30.25.020 and 30.25.032;

(d) The on-site fueling of vehicles shall be prohibited; and

(e) The storage of inoperable vehicles and hazardous or earth materials shall be prohibited.

(82) Manufacturing, Heavy includes the following uses: Distillation of wood, coal, bones, or the manufacture of their by-products; explosives manufacturing; manufacture of fertilizer; extraction of animal or fish fat or oil; forge, foundry, blast furnace or melting of ore; manufacturing of acid, animal black/black bone, cement or lime, chlorine, creosote, fertilizer, glue or gelatin, potash, pulp; rendering of fat, tallow and lard, rolling or booming mills; tannery; or tar distillation and manufacturing. See SCC 30.91M.028.

(83) "All other forms of manufacture not specifically listed" is a category which uses manufacturing workers, as described under the Dictionary of Occupational Titles, published by the US Department of Labor, to produce, assemble or create products and which the director finds consistent with generally accepted practices and performance standards for the industrial zone where the use is proposed. See SCC 30.91M.024 and 30.91M.026.

(84) RESERVED for future use.

(85) A single family dwelling may have only one guesthouse.

(86) Outdoor display or storage of goods and products is prohibited on site.

(87) Wedding Facility:

(a) Such use is permitted only:

(i) on vacant and undeveloped land;

(ii) on developed land, but entirely outside of any permanent structure;

(iii) partially outside of permanent structures and partially inside of one or more permanent structures which were legally existing on January 1, 2001; or

(iv) entirely inside of one or more permanent structures which were legally existing on January 1, 2001;

(b) The applicant shall demonstrate that the following criteria are met with respect to the activities related to the use:

(i) compliance with the noise control provisions of chapter 10.01 SCC;

(ii) adequate vehicular site distance and safe turning movements exist at the access to the site consistent with the EDDS as defined in title 13 SCC; and

(iii) adequate sanitation facilities are provided on site pursuant to chapter 30.52A SCC and applicable Snohomish Health District provisions;

(c) Adequate on-site parking shall be provided for the use pursuant to SCC 30.26.035;

(d) A certificate of occupancy shall be obtained pursuant to chapter 30.52A SCC



for the use of any existing structure. The certificate of occupancy shall be subject to an annual inspection and renewal pursuant to SCC 30.53A.060 to ensure building and fire code compliance;

(e) In the A-10 zone, the following additional requirements apply:

(i) the applicant must demonstrate that the use is accessory to the primary use of the site for agricultural purposes and supports, promotes or sustains agricultural operations and production;

(ii) the use must be located, designed, and operated so as to not interfere with, and to support the continuation of, the overall agricultural use of the property and neighboring properties;

(iii) the use and all activities and structures related to the use must be consistent with the size, scale, and intensity of the existing agricultural use of the property and the existing buildings on the site;

(iv) the use and all activities and structures related to the use must be located within the general area of the property that is already developed for buildings and residential uses;

(v) the use and all activities and structures related to the use shall not convert more than one acre of agricultural land to nonagricultural uses; and

(vi) any land disturbing activity required to support the use shall be limited to preserve prime farmland.

(88) Public/Institutional Use Designation (P/IU): When applied to land that is (a) included in an Urban Growth Area and (b) designated P/IU on the Snohomish County Future Land Use Map concurrent with or prior to its inclusion in a UGA, the R-7,200, R-8,400 and R-9,600 zones shall allow only the following permitted or conditional uses: churches, and school instructional facilities. All other uses are prohibited within areas that meet criteria (a) and (b), unless the P/IU designation is changed.

(89) Hotel/Motel uses are permitted in the Light Industrial zone when the following criteria are met:

(a) The Light Industrial zone is located within a municipal airport boundary;

(b) The municipal airport boundary includes no less than 1,000 acres of land zoned light industrial; and

(c) The hotel/motel use is served by both public water and sewer.

(90) Health and social service facilities regulated under this title do not include secure community transition facilities (SCTFs) proposed pursuant to chapter 71.09 RCW. See SCC 30.91H.095.

(a) Snohomish County is preempted from regulation of SCTFs. In accordance with the requirements of state law the county shall take all reasonable steps permitted by chapter 71.09 RCW to ensure that SCTFs comply with applicable siting criteria of state law. Every effort shall be made by the county through the available state procedures to ensure strict compliance with all relevant public safety concerns, such as emergency response time, minimum distances to be maintained by the SCTF from "risk potential" locations, electronic monitoring of individual residents, household security measures and program staffing.

(b) Nothing herein shall be interpreted as to prohibit or otherwise limit the county from evaluating, commenting on, or proposing public safety measures to the state of Washington in response to a proposed siting of a SCTF in Snohomish County.

- (c) Nothing herein shall be interpreted to require or authorize the siting of more beds or facilities in Snohomish County than the county is otherwise required to site for its SCTFs pursuant to the requirements of state law.
- (91) Level II health and social service uses are allowed outside the UGA only when the use is not served by public sewer.
- (92) The area of the shooting range devoted to retail sales of guns, bows, and related equipment shall not exceed one-third of the gross floor area of the shooting range and shall be located within a building or structure.
- (93) Farmers Market: See SCC 30.28.036.
- (94) Farm Product Processing and Farm Support Business: See SCC 30.28.038.
- (95) Farmland Enterprise: See SCC 30.28.037.
- (96) Public Events/Assemblies on Farmland: Such event or assembly shall:
- (a) Comply with the requirements of SCC 30.53A.800; and
  - (b) Not exceed two events per year. No event shall exceed two weeks in duration.
- (97) Bakery, Farm: The gross floor area of the use shall not exceed 1,000 square feet.
- (98) Recreational Facility Not Otherwise Listed in Ag-10 zone: See SCC 30.28.076.
- (99) Farm Stand: See SCC 30.28.039.
- (100) Farm Stand: Allowed as a Permitted Use (P) when sited on land designated riverway commercial farmland, upland commercial farmland or local commercial farmland in the comprehensive plan. Allowed as an Administrative Conditional Use (A) when sited on land not designated riverway commercial farmland, upland commercial farmland or local commercial farmland in the comprehensive plan.
- (101) Farmers Market: Allowed as a Permitted Use (P) when sited on land designated riverway commercial farmland, upland commercial farmland or local commercial farmland in the comprehensive plan. Allowed as an Administrative Conditional Use (A) when sited on land not designated riverway commercial farmland, upland commercial farmland or local commercial farmland in the comprehensive plan.
- (102) Community Facilities for Juveniles in R-5 zones must be located within one mile of an active public transportation route at the time of permitting.
- (103) All community facilities for juveniles shall meet the performance standards set forth in SCC 30.28.025.
- (104) Personal wireless telecommunications service facilities: See chapter 30.28A SCC and landscaping standards in SCC 30.25.025.
- (105) Personal wireless telecommunications service facilities are subject to a building permit pursuant to SCC 30.28A.020 and the development standards set forth in chapter 30.28A SCC and landscaping standards in SCC 30.25.025.
- (106) A building permit only is required for facilities co-locating on existing utility poles, towers, and/or antennas unless otherwise specified in chapter 30.28A SCC.
- (107) Agricultural composting requirements:
- (a) On-farm site agricultural composting operations that comply with the requirements established in this section are allowed in the A-10 zone. These composting facilities and operations shall be constructed and operated in compliance with all applicable federal, state and local laws, statutes, rules and regulations. The Nutrient Management Plan portion of the farm's Snohomish Conservation District Farm Plan or any other established nutrient management plan must be on file with the department when any application for a land use permit or approval is submitted to the department for the development of an

agricultural composting facility. Farm site agricultural composting operations shall also comply with the following criteria:

(i) The composting operation shall be limited to 10 percent of the total farm site area;

(ii) At least 50 percent of the composted materials shall be agricultural waste;

(iii) At least 10 percent of the agricultural wastes must be generated on the farm site;

(iv) A maximum of 500 cubic yards of unsuitable incidental materials accumulated in the agricultural waste such as rock, asphalt, or concrete over three inches in size may be stored at the farm composting facility until its proper removal. All incidental materials must be removed from the site yearly; and

(v) A minimum of 10 percent of the total volume of the finished compost produced annually shall be spread on the farm site annually.

(b) In all other zones except A-10 where agriculture is a permitted use, incidental agricultural composting of agricultural waste generated on a farm site is permitted. The agricultural composting facility shall be constructed and operated in compliance with all applicable federal, state and local laws, statutes, rules and regulations. The Nutrient Management Plan portion of the farm's Snohomish Conservation District Farm Plan or any other established nutrient management plan must be on file with the department when any permit application is submitted to the department for the development of an agricultural composting facility.

(108) RESERVED for future use. (Urban Center Demonstration Program projects - DELETED by Ord. 09-079)

(109) Privately operated off-road vehicle (ORV) use areas shall be allowed by conditional use permit on Forestry and Recreation (F&R) zoned property designated Forest on the comprehensive plan future land use map. These areas shall be identified by an F&R ORV suffix on the zoning map. Privately operated ORV use areas are regulated pursuant to SCC 30.28.080, SCC 30.28.085 and other applicable county codes.

(110) Recreational Facility Not Otherwise Listed: Playing fields permitted in accordance with chapter 30.33B SCC are allowed as a Permitted Use (P) when sited on designated recreational land as identified on the future land use map in the county's comprehensive plan.

(111) Recreational Facility Not Otherwise Listed: Playing fields not permitted in accordance with chapter 30.33B SCC are allowed as an Administrative Conditional Use (A) when sited on designated recreational land as identified on the future land use map in the county's comprehensive plan.

(112) RESERVED for future use. (Transfer of Development Rights receiving area overlay - DELETED by Amended Ord. 13-064)

(113) Privately operated motocross racetracks are allowed by conditional use permit, and are regulated pursuant to SCC 30.28.100 and 30.28.105, and other applicable county codes. Motocross racetracks are allowed in the Forestry and Recreation (F&R) zone only on commercial forest lands.

(114) New AM radio towers are prohibited. AM radio towers either constructed before October 13, 2010, or with complete applications for all permits and approvals required

1 for construction before October 13, 2010, shall not be considered nonconforming uses  
2 and they may be repaired, replaced, and reconfigured as to the number and dimensions  
3 of towers so long as the repair, replacement, or reconfiguration occurs on the parcel  
4 where the tower was originally constructed or permitted and it does not increase the  
5 number of AM radio towers constructed on the parcel.

6 (115) This use is prohibited in the R-5 zone with the Mineral Resource Overlay (MRO).  
7 Public park is a permitted use on reclaimed portions of mineral excavation sites with the  
8 MRO.

9 (116) See cottage housing design standard requirements in chapter 30.41G SCC.

10 (117) RESERVED for future use.

11 (118) RESERVED for future use.

12 (119) Only building mounted personal wireless communications facilities shall be  
13 permitted.

14 (120) Allowed as a conditional use only with a Park-and-Pool Lot or a Park-and-Ride  
15 Lot.

16 (121) Permitted as an incidental use with a permitted use, conditional use or  
17 administrative conditional use.

18 (122) Products or merchandise offered for sale or storage by a business may be located  
19 outdoors; provided, that:

20 (a) The area occupied by the display shall not exceed 500 square feet; and

21 (b) Public sidewalks shall not be enclosed as space for sales or storage by  
22 fencing or other means that effectively limits public use of the sidewalk.

23 (123) Such uses, except those as provided for in SCC 30.34A.010(4)(d), are permitted  
24 only in structures which are legally existing on May 29, 2010. Such uses, except those  
25 as provided for in SCC 30.34A.010(4)(d), shall also comply with subsection (122) of this  
26 section.

27 (124) The minimum lot size for marijuana related facilities is 100,000 square feet.  
28 Marijuana production is allowed indoors and outdoors. Marijuana processing is only  
29 allowed when there is a marijuana production facility on site. Marijuana facilities are  
30 subject to special setbacks pursuant to SCC 30.23.110(28).

31 (125) Marijuana production and processing is permitted indoors only; no outdoor  
32 production or processing is allowed.

33 (126) ~~((Notwithstanding all other provisions of this chapter, marijuana collective  
34 gardens, collective garden dispensaries, or access points in operation as of November  
35 1, 2013, shall be permitted uses in their current locations through December 31, 2015,  
36 provided that the use complies with all state laws related to medical marijuana and  
37 maintains a current certificate of occupancy. Such uses must close or relocate to a zone  
38 where they are a permitted use on or before January 1, 2016. New marijuana collective  
39 gardens, collective garden dispensaries, or access points after November 1, 2013 shall  
40 only be permitted in the zones specified in this chapter.))~~ Marijuana Collective Gardens,  
41 ~~Dispensaries, and Access Points: See SCC 30.28.XXX.~~  
42

Section 6. A new section is added to Chapter 30.28 of the Snohomish County Code to read:

**30.28.XXX Medical marijuana collective gardens.**

(1) Notwithstanding all provisions of chapter 30.22 SCC and all other provisions of this section, marijuana collective gardens, collective garden dispensaries, or access points in operation as of November 1, 2013, shall be permitted uses in their current locations through December 31, 2015, provided that the use complies with all state laws related to medical marijuana and maintains a current certificate of occupancy. Such uses must close or relocate to a zone where they are a permitted use on or before January 1, 2016. New marijuana collective gardens, collective garden dispensaries, or access points after November 1, 2013 shall only be permitted in the zones specified in Chapter SCC 30.22 SCC.

(2) No marijuana collective garden, collective garden dispensary, or access point shall be located within one thousand feet of the perimeter of the grounds of any of the following entities. The distance shall be measured as the shortest straight line distance from the property line of the proposed building/business location to the property line of the entities listed below:

(a) Elementary or secondary school;

(b) Playground;

(c) Recreation center or facility;

(d) Child care center;

(e) Public park;

(f) Public transit center;

(g) Library;

(h) Any game arcade (where admission is not restricted to persons age twenty-one or older); or

(i) Airport or airpark.

(3) No marijuana collective garden, collective garden dispensary, or access point shall be located within one mile of any existing marijuana collective garden, collective garden dispensary, or access point. The distance shall be measured as the shortest straight line distance from the property line of the proposed building/business location to the property line of the existing business location.

(4) No more than one marijuana collective garden, collective garden dispensary, or access point shall be located on any tax parcel.

Section 7. Severability and Savings. If any section, sentence, clause or phrase of this ordinance shall be held to be invalid by the Growth Management Hearings Board (Board), or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided, however, that if any section, sentence, clause or phrase of this ordinance is held to be invalid by the Board or unconstitutional by a court of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause or phrase as if this ordinance had never been adopted.

1  
2 PASSED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

3  
4 SNOHOMISH COUNTY COUNCIL  
5 Snohomish County, Washington  
6

7  
8 ATTEST:

\_\_\_\_\_  
Council Chair

9  
10 \_\_\_\_\_  
11 Asst. Clerk of the Council  
12

13 ( ) APPROVED  
14 ( ) EMERGENCY  
15 ( ) VETOED

DATE: \_\_\_\_\_

16  
17  
18 ATTEST:

\_\_\_\_\_  
County Executive